

FAA Facts

Federal Aviation Administration
2005

HOW DOES THAT WORK?

THE FAA AND AVIATION CIVIL PENALTIES

The FAA can issue a civil penalty (fine) when a company or person is found to have violated one or more of the Federal Aviation Regulations (FARs). The Regulations are a set of rules governing the safety of flight and the national airspace.

The FAA does not issue criminal penalties. However, Congress has granted it the authority to develop regulations in its field of oversight and take enforcement action when appropriate. These enforcement actions can range from educational and remedial efforts, including administrative action, to legal enforcement action, including the revocation or suspension of any certification issued by the FAA or civil penalties (fines).

The purpose of this fact sheet is to discuss civil penalties (fines).

A text version of the Federal Aviation Regulations can be located on the Internet at www.faa.gov. On the home page, click on the Regulations and Policies button, then click on FAA Regulations, followed by Current Regulations.

How Does the FAA Determine Civil Penalties?

Prior to proposing a civil penalty action, the FAA conducts multiple reviews of the evidence to ensure it supports the alleged violations, and that the proposed sanction is appropriate. These reviews are conducted in the originating investigating office, the regional divisions, and the Office of the Regional Counsel. Certain cases may undergo an additional review by FAA Headquarters.

A civil penalty is determined after consulting the Enforcement Sanction guidance Table (Appendix 4) in FAA Order 2150.3A, "Compliance and Enforcement Program," and by considering the following factors unique to each case:

- The degree of safety hazard;
- The inadvertent or deliberate nature of the violation;
- The alleged violator's past violation history;
- The alleged violator's level of experience;
- The alleged violator's attitude toward compliance;
- The private, public or commercial nature of the activity;
- The alleged violator's ability to absorb the sanction;
- Any demonstrated lack of qualifications of the certificate holder.

It is important to note that the facts bearing on these points vary from case to case, and an in-depth review is required.

How Often Does the FAA Announce Civil Penalties?

Civil Penalties (CPs) are proposed by FAA offices nationwide. The FAA issues press releases for proposed penalties over \$50,000. A list of those press releases can be found on the Internet at www.faa.gov. While on the home page, click on News.

Information on proposed penalties under \$50,000 must be requested through the Freedom of Information Act (FOIA). See the last page of this Fact Sheet for information on how you can contact a FOIA office.

Final payment amounts sometimes differ from the amounts proposed. Details regarding these amounts can be found at: <http://www.faa.gov/agc/enforcement/index.htm>.

How Seriously Does the FAA Look at Civil Penalties?

Civil penalties are a serious matter. They are proposed because FAA investigators and attorneys feel there has been a violation of the regulations. This means that the FAA has found a safety concern, and maintaining the safety of the nation's airspace is the FAA's mandate.

How Can I Learn More About a Specific Civil Penalty?

Because these cases are still open and active, the most information available at the time of the release is found in the civil penalty letter, which is the document sent to the company. The press release is written from the information found in this letter. Please contact FAA Communications for a copy of this letter.

The Civil Penalty Letter Refers to “Violations.” What is a “Violation”?

A list of the regulations “violated” is found in the civil penalty letter.

How Does the FAA Determine Fines?

You may find the FAA Penalty Guidelines for Hazardous Materials Cases in the April 21, 1999, issue of the Federal Register and adjusted for inflation on March 13, 2002, as published in the Federal Register, Vol 67, No. 68, pages 6364 to 6367.

The Enforcement Sanction Guidance Table for Non-Haz Mat cases is found in DOT/FAA Order 2150.3A, Appendix 4. You may do a search for this document at www.faa.gov.

After a Civil Penalty is Proposed, What is the Next Step?

Each company or individual has 30 days to respond to the FAA's Civil Penalty Letter. The company or individual has several options which include paying the penalty or requesting an informal conference with an FAA attorney to discuss the FAA's allegations and possible resolutions.

Does a Company or Individual Have Appeal Rights?

Yes. Companies or individuals may appeal to an Administrative Law Judge of the US Department of Transportation (DOT), or, in proposed cases over \$400,000, go to the United States District Court.

Orders amending, modifying, suspending or revoking any part of a certificate may be appealed to the National Transportation Safety Board.

Is There Someone Local From the FAA Who Reporters Can Interview?

Sorry, no. Because these cases are still open and active, there's not much the FAA can say beyond the significant amount of information that is provided in the press releases and the civil penalty letters. However, if there are further questions, please call FAA Communications at (847) 294-7849 or 7427.

How Can the Media Find Out More About the Past Enforcement History of a Company?

Past history, including any civil penalties, settlements, reports and other paperwork, may be available through the Freedom of Information Act (FOIA).

Please file your FOIA in the region where the case originated. If you are looking for a comprehensive list of all cases that could have been filed nationwide, you will need to file your FOIA with Headquarters. That office will then distribute your request to the appropriate regional offices.

The Headquarters office address is:

National Freedom of Information Action Office, ARC-40
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591
Main Number (202) 267-9165
FAX (202) 493-5032
Please E-mail FOIA request to: 9.AWA-ARC-FOIA@faa.gov

A full list of regional FOIA offices is available at www.faa.gov. Scroll down to the Freedom of Information Act link on the left-hand side of the page.

Important Note: You MUST contact a FOIA office in writing for access to any FOIA materials.